

**REMARKS****INTRODUCTION:**

In accordance with the foregoing, claims 1-10, 12, 14 and 17 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-17 are pending and under consideration. Reconsideration is respectfully requested.

**REJECTION UNDER 35 U.S.C. §103:**

In the Office Action, at pages 2-7, numbered paragraph 3, claims 1-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Douglass et al. ("Understanding Ourselves and Others in the Team"; hereafter, Douglass) in view of Gensing ("Don't Delay Start Today: Ten Surefire Ways to Conquer Procrastination"; hereafter, Gensing). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

It is respectfully submitted that Douglass discloses how to maximize a team effort, which is used so that managers may better understand themselves and the team members, by analyzing the personalities of themselves and the team members and classifying each personality into one of four types. However, Douglass fails to suggest anything about planning an event selected by an individual based on a result of a character analysis of the individual, as is disclosed by the present claimed invention. The present claimed invention recites an automatic planning apparatus that automatically plans a schedule for preparation and execution of an event selected by a user, including event items as a whole based on the input initial conditions and the character of the user determined by an analysis unit. That is, while Douglass discloses using an analysis of personalities of multiple team members to maximize an effort of a team, the present claimed invention recites an analysis of a single individual, together with initial conditions which will vary depending upon the type of event scheduled. If a birthday party is planned, there may be specified, for example, a minimum and/or maximum amount of money to be expended, particular guests to be invited, a list of particular restaurants/meeting places from which to choose, and the like. However, if a business meeting is planned, a different amount of money may be specified, the attendees may be selected from a different group of people, the list of meeting places may be different, and the like.

Thus, it is respectfully submitted that it would not have been obvious to examine Douglass to determine how the present invention should operate. It is respectfully submitted that, in In re Dembiczak, the court noted that:

Measuring a claimed invention against the standard established by section 103 requires the oft-difficult but critical step of casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field.

In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). One "cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." In re Fine, 837 F.2d 1071, 1075, 5 USPQ2d 1780, 1783 (Fed. Cir. 1988).

The case law makes clear that hindsight-based obviousness analysis is not permitted and there is a rigorous application of the requirement for a showing of a teaching or motivation to combine the prior art references. See Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617. "Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability--the essence of hindsight." Id. "When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references." In re Rouffet, 149 F.3d 1350, 1355, 47 USPQ2d 1453, 1456 (Fed. Cir. 1998) (citing In re Geiger, 815 F.2d 686, 688, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987)). "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Although the suggestion to combine references may flow from the nature of the problem, see Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc., 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996), "[d]efining the problem in terms of its solution reveals improper hindsight in the selection of the prior art relevant to obviousness," Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH, 139 F.3d 877, 880, 45 USPQ2d 1977, 1981 (Fed. Cir. 1998). Therefore, "[w]hen determining the patentability of a claimed invention which combines two known elements, 'the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination.'" In re Beattie, 974 F.2d 1309, 1311-12, 24 USPQ2d 1040, 1042 (Fed. Cir. 1992) (quoting Lindemann, 730 F.2d at 1462, 221 USPQ at 488).

The Examiner does not discuss any specific evidence of motivation to combine Douglass and Grensing, but only makes conclusory statements.

Grensing relates to tips for an individual to conquer procrastination by appropriately

making plans for each task. However, Gensing fails to disclose anything about automatically making a plan including a plurality of plan items as a whole for an event, as shown, for example, in FIG. 26 of the present application. Gensing teaches how to conquer procrastination by discovering a peak activation time, prioritizing projects by deadline and then by importance of tasks, making lists, using extra time to tackle smaller tasks rather than wasting the time, setting realistic deadlines for projects, aiming for quality projects, not perfect ones, delegating tasks, scheduling time to work without interruptions, rewarding oneself for meeting deadlines and learning to say no to unreasonable requests for assistance. However, Gensing does not teach or suggest analyzing a character of a single individual, together with initial conditions which will vary depending upon the type of event scheduled in order to plan an event automatically, as is recited by the present claimed invention.

Neither Douglass nor Gensing teach or suggest using a computer readable medium for storing instructions to analyze a user's answers to a predetermined questionnaire to obtain a character analysis of a user and planning an event selected by a user based at least in part on the character analysis of the user. In addition, neither Douglass nor Gensing teach or suggest using a neural network to analyze the user's answers to determine a level from a predetermined set of levels for each character factor of affection, sincerity, delicacy, action and courage, and using levels obtained to set a character rating.

Thus, alone or in combination, Douglass and/or Gensing fail to teach or suggest the present invention.

"Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'" Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617. The Examiner provides no support for his broad conclusory statement: "it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to extend the teachings of Douglass to provide specific advise regarding initial conditions required for executing the planning on an event desired by a user and forming a schedule for the preparation and execution of the event based on the initial conditions and the analysis of the predetermined property of the user (as taught by Gensing and recited in claim 1) in order to assist teams of supervisors/managers and workers/team members in more efficiently and timely completing a planned project, especially in light of the varying time management personalities possessed by the various individuals involved"(lines 2-10, page 4 of the Office Action). Clearly, the Examiner is solving a different problem with the combination of Douglass and Gensing than the problem solved by the present claimed invention.

The Examiner appears to make implicit findings, but can point to nothing that suggests

the combination of Douglass and Gensing to then suggest the present invention.

Since, even if Douglass and Gensing are combined, the combination does not teach or suggest the present invention (see above), it is respectfully submitted that independent claims 1, 9, 10 and 14 are patentable under 35 U.S.C. §103(a) over Douglass et al. ("Understanding Ourselves and Others in the Team") in view of Gensing ("Don't Delay Start Today: Ten Surefire Ways to Conquer Procrastination"), alone or in combination. Since claims 2-8, 11-13 and 15-17 depend from claims 1, 10 and 14, respectively, directly or indirectly, claims 2-8, 11-13 and 15-17 are submitted to be patentable under 35 U.S.C. §103(a) over Douglass et al. ("Understanding Ourselves and Others in the Team") in view of Gensing ("Don't Delay Start Today: Ten Surefire Ways to Conquer Procrastination"), alone or in combination, for at least the reasons that claims 1, 10 and 14 are submitted to be patentable under 35 U.S.C. §103(a) over Douglass et al. ("Understanding Ourselves and Others in the Team") in view of Gensing ("Don't Delay Start Today: Ten Surefire Ways to Conquer Procrastination"), alone or in combination.

**CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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